Calendar No. 684

100TH CONGRESS
2d Session

SENATE

REPORT
100-355

EXTENDING THE EXPIRATION DATE OF TITLE II OF THE ENERGY POLICY AND CONSERVATION ACT

MAY 24 (legislative day, MAY 18), 1988.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2203]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2203) to extend the expiration date of title II of the Energy Policy and Conservation Act, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

On page 1, line 5, strike " '1993' " and insert in lieu thereof " '1990' ".

PURPOSE OF THE MEASURE

The purpose of S. 2203 is to extend the expiration date of title II of the Energy Policy and Conservation Act. Title II expires on June 30, 1988; the bill, as amended, would extend that expiration date until June 30, 1990.

BACKGROUND AND NEED

Title II of the Energy Policy and Conservation Act (EPCA) was enacted in 1975, and amended substantially in 1979, 1982, and 1985. In its present form, it provides authority for the United States participation in the International Energy Program (IEP) pursuant to the IEP Agreement.

The United States entered into the IEP Agreement in 1974. It provided for establishment of the International Energy Agency (IEA), an autonomous organization within the Organization for Economic Cooperation and Development (OECD). There are cur-

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rently 21 signatories to the Agreement. It promotes cooperation among major industrial countries in reducing dependence on imported oil and improving preparedness to respond to international oil supply disruptions.

In the event of an oil supply disruption, IEA policy provides for the coordinated drawdown of emergency oil stocks by member nations. In the event of a severe oil supply disruption (defined as a 7 percent supply shortfall by any member nation), it provides for an international oil sharing system that would include international oil allocation. In that case, the Secretary of Energy would implement a "Plan of Action" pursuant to the IEP. The current plan of action was transmitted to the Congress on February 25, 1988.

Title II of EPCA provides the basic statutory authority for the United States to meet its IEP obligations. It provides authority for the President to prescribe rules for international oil allocation under the IEP, and provides for an energy information system. The energy information is collected from oil companies by the Secretary of Energy and transmitted to the IEA under the terms of the IEP. It also provides authority for oil company participation in voluntary agreements, and plans of action, which are required to implement the allocation and information provisions of the IEP.

The IEA's emergency information and oil sharing systems rely heavily upon the voluntary participation of international oil companies. At present, 17 U.S. companies participate. In order to facilitate that participation, Title II (Sec. 252) provides a limited antitrust defense and a breach of contract defense for actions taken to develop or carry out voluntary agreements and plans of action under the IEP.

Although at one point four years ago the Administration alleged that the antitrust defense was not necessary for our participation in the IEA, they quickly dropped that assertion. The oil companies have consistently insisted that they will not participate in the IEA without the antitrust and breach of contract defense.

It should be noted that the IEA has provided a useful forum for communication, and for addressing minor regional energy problems. International oil companies and governments have worked together to prevent oil supply difficulties from escalating into major shortages that might lead to a trigger of the IEA oil sharing system, a consequence no one relishes.

The Congress has extended the EPCA Sec. 252 authorities eleven times. The major issue has been the duration of the extension of the antitrust defense. Some believed that a limited extension of IEA authorities, and periodic review of IEA/oil company activities, would provide a useful means for oversight of IEA and oil company activities.

Title II expires June 30, 1988.

Legislative History

S. 2203 is an Administration bill that was introduced by Sen. Johnston (by request) on March 22, 1988. As introduced, it would have extended the provisions of Title II for five years, until June 30, 1993.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on May 18, 1988, by unanimous vote of a quorum present recommends that the Senate pass S. 2203 as amended, as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers [1]	
Mr. Ford	
Mr. Metzenbaum [1]	
Mr. Melcher	
Mr. Bradley	
Mr. Bingaman	
Mr. Wirth	
Mr. Fowler	
Mr. Conrad	
Mr. McClure	
Mr. Hatfield [1]	
Mr. Weicker [1]	
Mr. Domenici	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht	
Mr. Evans	

[1] Indicates vote by proxy.

COMMITTEE AMENDMENTS

The Committee adopted an amendment to S. 2203 which provides for a two year extension of the provisions of Title II. The Committee feels that a two year extension will show the Nation's continued commitment to the IEA, while providing for a timely review of our energy emergency plans and IEA participation by the next Administration.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 23, 1988.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 2203, a bill to extend the expiration date of title II of the Energy Policy and Conservation Act (EPCA), as ordered reported by the Senate Committee on Energy and Natural Resources, May 18, 1988.

Based on information provided by the Department of Energy, CBO estimates that enacting S. 2203 would increase federal outlays by about $100,000 each year for fiscal years 1989 and 1990. The bill would extend U.S. government participation in oil emergency planning by the International Energy Agency (IEA). Under current law, the authority for such participation expires June 30, 1988. The bill would extend EPCA Title II authority to June 30, 1990.

The total cost for U.S. participation in IEA activities currently is about $4 million per year. Even though the emergency planning authority provided by EPCA is a key part of the U.S. role in the IEA, most of the current expenditures would probably continue in the absence of S. 2203. The estimated costs for S. 2203 are those specifically associated with title II of EPCA.

The bill would not have any effect on the budgets of state and local governments.

If you wish additional details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM, *Acting Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2203. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2203 because it is a continuation of an ongoing program within the Department of Energy.

EXECUTIVE COMMUNICATIONS

Executive Communication 287, from Eric J. Fygi, Acting General Counsel of the Department of Energy, transmitting the proposed legislation is set forth below:

DEPARTMENT OF ENERGY,
Washington, DC, March 17, 1988.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is proposed legislation "[t]o extend the expiration date of Title II of the Energy Policy and Conservation Act." This proposed legislation is part of the Department of Energy's Legislative Program for the 100th Congress.

PURPOSE OF THE LEGISLATION

This bill would amend section 281 of the Energy Policy and Conservation Act (EPCA) to extend the expiration date for Title II of EPCA from June 30, 1988 to June 30, 1993. The extension would continue the authorities in Title II for the U.S. Government and

U.S. oil companies to participate in and to meet the U.S. obligations under the Agreement on an International Energy Program (IEP, T.I.A.S. No. 8278). These authorities include the section 251 authority for international oil allocation, the antitrust defense afforded by section 252(f) of EPCA to U.S. oil companies participating in the IEP, and the section 254 authority for the Executive Branch to provide certain information to the International Energy Agency (IEA).

BACKGROUND

Following the oil embargo of 1973, the United States and certain other members of the Organization for Economic Cooperation and Development (OECD) entered into the IEP in an effort to promote cooperation among major industrial countries in reducing dependence on imported oil and improving preparedness to respond to international oil supply disruptions. There presently are 21 signatories to the IEP, consisting of most of the principal industrialized oil consuming nations. The IEP Agreement provides for creation of the IEA as an autonomous entity within the OECD, and establishes an international oil sharing system for use during oil supply interruptions and an information system on the international oil market.

The IEA provides a forum within which, and mechanisms by which, the U.S. and our allies can cooperate to prepare for and alleviate the potential effects of severe oil crises. In view of the continuing unstable conditions in the Middle East and the energy security issues at stake, such cooperation is essential. Principally as a result of our efforts, in 1984 the IEA adopted a significant policy decision which identifies early, coordinated drawdown of emergency oil stocks by member nations as a vital element in coping with a major oil supply disruption. The Administration believes that the early use of oil stocks, coordinated with our IEA partners, should be the first line of defense in a crisis. However, this Administration, like its predecessors during the past decade, is committed to the IEA's established systems for sharing information on international oil markets and for international oil allocation, should a severe oil supply disruption require the activation of these systems.

The IEA's emergency information and oil sharing systems are designed to rely heavily upon the voluntary assistance of private companies that conduct the bulk of the international oil trade. To facilitate U.S. company participation in the IEA, section 252 authorizes the development of voluntary agreements and plans of action to implement the allocation and information provisions of the IEP, and makes available a limited antitrust defense and a breach of contract defense with respect to actions taken to develop or carry out voluntary agreement and plans of action. Under this authority, a Voluntary Agreement and Plan of Action to Implement the International Energy Program was agreed to in 1976 by a number of U.S. oil companies (41 F.R. 13998, April 1, 1976); and on January 26, 1988, the Secretary of Energy approved the Second Plan of Action to Implement the International Energy Program (53 F.R. 2866, February 2, 1988). At present, 17 U.S. oil companies, including both major international oil companies and independent oil companies, are participants in the Voluntary Agreement.

The antitrust defense made available by section 252(f) of EPCA is essential to the participation of U.S. oil companies in the Voluntary Agreement and, through it, in the IEP. The IEP, in turn, can function effectively only with participation by U.S. and foreign oil companies in the international oil market. Those companies would be the primary actors in the redistribution of oil if the IEP's emergency sharing provisions were activated.

Other significant provisions of EPCA's Title II also are scheduled to expire on June 30, 1988, including the section 251 authority for international oil allocation, and the section 254 authority for the Executive Branch to provide certain oil company information to the IEA. These authorities are important to support fulfillment of U.S. obligations under the IEP.

The Strategic Petroleum Reserve, market efficiency and our continued commitment to the IEA are especially significant components of the Nation's energy emergency policy. Extending the IEP authorities in EPCA Title II for five years would provide the necessary affirmation of this commitment.

The Department urges timely action on this bill in order to safeguard the Nation's energy security and because plans are underway for the sixth test of the IEA's emergency sharing system, presently scheduled for late 1988. For the planning and conduct of this test to proceed on schedule, the IEP authorities should not be allowed to lapse. A five year extension of these authorities also would aid U.S. companies in their long-term planning for participation in IEP activities and underscore the Government's seriousness of purpose in encouraging that participation.

The Office of Management and Budget advises that enactment of this legislation is in accord with the President's legislative program.

Sincerely,

ERIC J. FYGI,
Acting General Counsel.

Enclosure.

A BILL To extend the expiration date of Title II of the Energy Policy and Conservation Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 281 (42 U.S.C. § 6285) of the Energy Policy and Conservation Act is amended by striking "1988" both places it appears and inserting "1993" in its place.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 2203, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

42 U.S.C. 6285. Expiration.

(Pub. L. 94-163, Title II, Sec. 281, as added Pub. L. 99-58, Title I, Sec. 104(a), July 2, 1985, 99 Stat. 104.0)

Except as otherwise provided in this subchapter, all authority under any provision of this subchapter and any rule, regulation, or order issued pursuant to such authority, shall expire at midnight, June 30, [1988] *1990,* but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight, June 30, [1988] *1990.*

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Calendar No. 685

100TH CONGRESS
2d Session

SENATE

REPORT
100-356

SEWALL-BELMONT HOUSE NATIONAL HISTORIC SITE

MAY 24 (legislative day, MAY 18), 1988.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1682]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1682) to increase the amount authorized to be appropriated with respect to the Sewall-Belmont House National Historic Site, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. AMENDMENTS.

Title II of Public Law 93-486 (88 Stat. 1463) is amended as follows:

(1) In section 202 strike "101 of this Act" and insert "201 of this title".

(2) In section 204 strike "Act" and insert "title".

(3) Amend section 204 of Public Law 93-486 (88 Stat. 1463) authorizing the Sewall-Belmont House National Historic Site by striking "$500,000" and inserting "$2,000,000".

(4) After section 204 insert:

"SEC. 205. (a) In order to provide a planning framework for the management, preservation, and interpretation of the Sewall-Belmont House National Historic Site, the Secretary of the Interior shall develop a Statement for Management, a Statement for Interpretation, a Scope of Collections Statement, and a Historic Structures Report. Within one year of enactment of this section the Secretary shall transmit these documents to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

"(b) The National Park Service and the owner of the Sewall-Belmont House shall enter into negotiations to prepare a revised cooperative agreement detailing the respective responsibilities of each party, including actions to be taken by each party in order to facilitate greater cooperation between them. The National Park Service shall transmit to the respective committees the revised cooperative agreement within thirty days after its execution.".

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Purpose of the Measure

The purpose of S. 1682 is to increase the amount authorized to be appropriated with respect to the Sewall-Belmont House National Historic Site.

Background and Need

The Sewall-Belmont House National Historic Site was established in 1974. The legislation authorized the Secretary of the Interior to enter into a cooperative agreement with the Woman's Party which owns the house. That agreement specifies that the National Park Service will provide funding, technical assistance, training and restoration of the building. In exchange, the owner provides access and interpretation to the public as well as regular maintenance. The owner agrees not to make any alteration or major repairs to the public portions of the house without approval from the Director of the National Park Service. That agreement specifies that the site is to be managed in accordance with National Park Service policies.

The National Park Service has provided Federal funds for the restoration, preservation and interpretation of the Sewall-Belmont House National Historic Site. The establishing legislation specified a ceiling of $500,000. The Park Service testified that through fiscal year 1988, a total of $1,134,612 has been appropriated to the National Women's Party pursuant to the 1974 Act.

Legislative History

S. 1682 was introduced by Senator Conrad on September 11, 1987. A hearing was conducted by the Subcommittee on Public Lands, National Parks and Forests on April 14, 1988.

At the business meeting on May 18, 1988, the Senate Committee on Energy and Natural Resources ordered S. 1682, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on May 18, 1988, by unanimous vote of a quorum present, recommends that the Senate pass S. 1682 if amended, as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers*	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Melcher	
Mr. Bradley	
Mr. Bingaman	
Mr. Wirth	
Mr. Fowler	
Mr. Conrad	

Mr. McClure
Mr. Hatfield*
Mr. Weicker*
Mr. Domenici
Mr. Wallop
Mr. Murkowski
Mr. Nickles
Mr. Hecht
Mr. Evans

*Indicates voted by proxy.

Committee Amendments

During the consideration of S. 1682, the Committee adopted an amendment in the nature of a substitute.

The substitute amendment increases the amount authorized to be appropriated from $1.5 million to $2. The substitute also includes language directing the National Park Service to prepare several documents related to the planning, management, preservation and interpretation of the Sewall-Belmont House and forward the documents to the appropriate Congressional committees. The substitute also directs the owner of the property and the National Park Service to enter into a cooperative agreement detailing the responsibilities of each party relative to the operation of the facility and to transmit that agreement to the Committees.

The Committee believes that such provisions will help ensure that the Sewall-Belmont National Historic Site will be operated and maintained to National Park Service standards.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, May 24, 1988.

Hon. J. Bennett Johnston, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 1682, a bill to increase the amount authorized to be appropriated with respect to the Sewall-Belmont House National Historic Site. This legislation was ordered reported by the Senate Committee on Energy and Natural Resources, May 18, 1988.

S. 1682 would increase to $2 million the authorization for federal support of the Sewall-Belmont House. Under existing law, the authorization is limited to $0.5 million. This legislation would require the Secretary of the Interior to submit to the Congress various reports withon one year of enactment. The Secretary and the owner of the Sewall-Belmont House would also be required to prepare a revised cooperative management agreement and to submit the agreement to the Congress within 30 days of its completion.

According to information obtained from the National Park Service, despite the current limitation, the federal government has pro-

vided a total of $1.3 million for the support of the Sewall-Belmont House through fiscal year 1988. Payments to the Sewall-Belmont House have totaled approximately $53,000 per year during the past few years. The CBO estimates that, assuming appropriations sufficient to cover the authorization are provided, this legislation would allow these annual payments to continue. We do not expect the other provisions of this legislation to result in significant additional costs.

Enactment of S. 1682 would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

C.G. NUCKOLS
(For James L. Blum, Acting Director).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1682. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1682, as reported.

EXECUTIVE COMMUNICATIONS

On October 1, 1987, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on S. 1682. These reports had not been received at the time the report on S. 1682 was filed. When the reports become available, the chairman will request that they be printed in the Congressional Record for the advice of the Senate.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1682, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

37. SEWALL-BELMONT HOUSE

An Act to provide for the establishment of the Clara Barton National Historic Site, Maryland; John Day Fossil Beds National Monument, Oregon; Knife River Indian Villages National Historic Site, North Dakota; Springfield Army National Historic Site, Massachusetts; Tuskegee Institute National Historic Site, Alabama; Martin Van Buren National Historic Site, New York; and Sewall-Belmont House National Historic Site, Washington, District of Columbia; and for other purposes. (88 Stat. 1461) (P.L. 93-486)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE II

* * * * * * *

SEWALL-BELMONT HOUSE NATIONAL HISTORIC SITE

SEC. 201. In order to preserve for the benefit and inspiration of the people of the United States as a national historic site, the Sewall-Belmont House within the District of Columbia, the Secretary of the Interior is authorized to enter into a cooperative agreement to assist in the preservation and interpretation of such house.

SEC. 202. The property subject to cooperative agreement pursuant to section [101 of this Act] *201 of this title* is hereby designated as the "Sewall-Belmont House National Historic Site".

SEC. 203. The cooperative agreement shall contain, but shall not be limited to, provisions that the Secretary, through the National Park Service, shall have the right of access at all reasonable times to all public portions of the property covered by such agreement for the purpose of conducting visitors through such property and interpreting it to the public, that no changes or alterations shall be made in such property except by mutual agreement between the Secretary and the other parties to such agreement. The agreement may contain specific provisions which outline in detail the extent of the participation by the Secretary in the restoration, preservation, and maintenance of the historic site.

SEC. 204. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this [Act,] *title* but not to exceed [$500,000.] *$2,000,000.*

SEC. 205. (a) In order to provide a planning framework for the management, preservation, and interpretation of the Sewall-Belmont House National Historic Site, the Secretary of the Interior shall develop a Statement for Management, a Statement for Interpretation, a Scope of Collections Statement, and a Historic Structures Report. Within one year of enactment of this section the Secretary shall transmit these documents to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

"(b) The National Park Service and the owner of the Sewall-Belmont House shall enter into negotiations to prepare a revised cooperative agreement detailing the respective responsibilites of each party, including actions to be taken by each party in order to facilitate greater cooperation between them. The National Park Service shall

transmit to the respective committees the revised cooperative agreement within thirty days after its execution.

* * * * * * *

Approved October 26, 1974.

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